

Exhibit A

E-FILED

09/01/2021 04:10 PM

KATHY L. SHUPERT, CLERK

COMMON PLEAS COURT

IN THE COURT OF COMMON PLEAS FOR SCIOTO COUNTY, OHIO
GENERAL DIVISION

21CIH00177

ANTHONY SNYDER,

2776 Dutch Ridge Road
Portsmouth, OH 45662

PLAINTIFF,

v.

**FLUOR CONSTRUCTORS
INTERNATIONAL, INC.,**

C/O Corporation Service Company
50 West Broad Street, Suite 1330
Columbus, OH 43215

and,

RANDY HORSTLEY

2446 Gallia Pike,
Franklin Furnace, OH 45629

DEFENDANTS.**COMPLAINT WITH JURY DEMAND
ENDORSED HEREON**

REFILED CASE NO. 20 CIH 00139

I. NATURE OF THE CLAIMS

1. This is a civil action by Plaintiff Anthony Snyder against his former employer, Fluor Constructors International, Inc., and his former supervisor Randy Horstley. Defendants unlawfully terminated Mr. Snyder because of his age.

2. Accordingly, Mr. Snyder now files this civil action. He seeks to recover for the harm he has suffered, to punish Defendants for their conduct, and to deter Defendants from ever perpetrating their conduct against any other person.

II. JURISDICTION AND VENUE

3. Pursuant to R.C. 1907.03 and 2305.01, this Court has original jurisdiction because this is a civil action where the amount in controversy exceeds the county court's exclusive original jurisdiction.

4. Pursuant to R.C. 2307.381-.385, and the Due Process Clauses of the federal and Ohio Constitutions, this Court has personal jurisdiction over Defendant Randy Horstley because he is a resident of, and has continuous and systematic contacts with, the State of Ohio.

5. Pursuant to R.C. 2307.381-.385, and the Due Process Clauses of the federal and Ohio Constitutions, this Court has personal jurisdiction over Defendant Fluor Constructors International, Inc. for the following reasons: it transacted business in this state; it caused tortious injury by an act or omission in this state; it caused tortious injury in this state to Plaintiff by an act outside this state committed with the purpose of injuring Plaintiff, when it might reasonably have expected that some person would be injured thereby in this state; and/or it purposefully availed itself of the privilege of acting in Ohio, its causes of action arise out of its activities in Ohio, and the exercise of jurisdiction over it is reasonable.

6. Pursuant to Civ.R. 3(C)(1), (C)(3), and/or (C)(6) this Court is the appropriate venue because Scioto County, Ohio is a county in which a defendant resides; is a county in which a defendant conducted activity that gave rise to the claims for relief; and/or is a county in which all or part of the claims for relief arose.

III. PARTIES

7. Plaintiff Anthony Snyder ("Plaintiff" or "Mr. Snyder") is a natural person who is a resident of Scioto County, Ohio. Defendant Fluor Constructors International, Inc. employed Mr. Snyder from February of 2013 up until it fired him on or about February 3, 2020.

8. Defendant Fluor Constructors International, Inc. (“Defendant Fluor” or the “Company”) is a for-profit corporation that incorporated in the State of California and has its principal place of business in Greenville County, South Carolina. Defendant Fluor is an engineering services company that offers designing, procurement, fabrication, construction, maintenance, and project management services.

9. Defendant Randy Horstley (“Defendant Horstley”) is a natural person who, upon information or belief, is a resident of Scioto County, Ohio. At all relevant times, Defendant Horstley had supervisory authority over Mr. Snyder. Defendant Horstley was an individual responsible for, and/or who participated in, the adverse employment action(s) against Mr. Snyder.

IV. FACTS

10. Mr. Snyder worked for Defendants as a welder foreman at their location in Scioto County, Ohio.

11. Mr. Snyder’s performance always met or exceeded expectations.

12. At the time Defendants fired Mr. Snyder, he was 51 years old.

13. Shortly before Defendants fired Mr. Snyder, he posted a winch for sale on the internet.

14. Defendants accused Mr. Snyder of stealing the winch and terminated him based upon this accusation.

15. Mr. Snyder did not steal the winch.

16. Mr. Snyder offered to prove to Defendants that he did not steal the winch.

17. Mr. Snyder offered to have the original seller of the winch attest to the fact that Mr. Snyder purchased it from him six years prior to this incident.

18. Defendants refused to allow Mr. Snyder an opportunity to prove his innocence.

19. Defendants then replaced Mr. Snyder with Jason Thomas, who is around 30 years old and thus substantially younger than Mr. Snyder.

V. CLAIMS FOR RELIEF

COUNT I

Violation of Ohio Revised Code Sections 4112.02(L), 4112.14, and/or 4112.99 (Age Discrimination – Termination of Employment)

Against All Defendants

20. All of the preceding paragraphs are incorporated by reference as if fully restated in this paragraph.

21. Plaintiff was at all relevant times an “employee” within the meaning of R.C. 4112.01(A)(3).

22. Plaintiff was at all relevant times at least forty years old within the meaning of R.C. 4112.01(A)(14).

23. Defendants were at all relevant times “employer(s)” within the meaning of R.C. 4112.01(A)(2).

24. Defendants violated R.C. 4112.02(L), 4112.14, and/or 4112.99 when they terminated Plaintiff’s employment because of his age. Alternatively, Plaintiff’s age was a motivating factor in the decision by Defendants to terminate Plaintiff’s employment.

25. As a proximate result of Defendants’ actions, Plaintiff has been and continues to be damaged in an amount to be determined at trial but exceeding \$25,000.

26. Consistent with R.C. 2315.21, Plaintiff is entitled to punitive damages because the actions or omissions of Defendants demonstrate malice or aggravated or egregious fraud, and/or

Defendants as principals or masters knowingly authorized, participated in, or ratified the actions or omissions that so demonstrate.

27. Consistent with the rule in *Columbus Finance, Inc. v. Howard*, 42 Ohio St.2d 178, 71 Ohio App.2d 174, 327 N.E.2d 654 (1975), and because Plaintiff is entitled to punitive damages, Plaintiff is entitled to reasonable attorneys' fees incurred in pursuing Count I. Alternatively, pursuant to R.C. 4112.14(B), Plaintiff is entitled to reasonable attorneys' fees incurred in pursuing I.

COUNT II

Violation of Ohio Revised Code Sections 4112.02(J) and/or 4112.99 (Aiding and Abetting Unlawful Discrimination and Retaliation)

Against Defendant Horstley

28. All of the preceding paragraphs are incorporated by reference as if fully restated in this paragraph.

29. Plaintiff was at all relevant times an "employee" within the meaning of R.C. 4112.01(A)(3).

30. Defendant Horstley was at all relevant times "person(s)" within the meaning of R.C. 4112.01(A)(1).

31. Defendant Horstley violated R.C. 4112.02(J) and/or 4112.99 when he aided, abetted, incited, compelled, or coerced the unlawful discrimination and/or retaliation against Plaintiff set forth in this Complaint.

32. As a proximate result of Defendant Horstley's actions, Plaintiff has been and continues to be damaged in an amount to be determined trial but exceeding at \$25,000.

33. Consistent with R.C. 2315.21, Plaintiff is entitled to punitive damages because the actions or omissions of Defendant Horstley demonstrate malice or aggravated or egregious fraud,

and/or Defendant Horstley as principal or master knowingly authorized, participated in, or ratified the actions or omissions that so demonstrate.

34. Consistent with the rule in *Columbus Finance, Inc. v. Howard*, 42 Ohio St.2d 178, 71 Ohio App.2d 174, 327 N.E.2d 654 (1975), and because Plaintiff is entitled to punitive damages, Plaintiff is entitled to reasonable attorneys' fees incurred in pursuing Count II.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment in his favor on all claims in this Complaint and requests the following relief:

- A. Economic compensatory damages in an amount to be determined at trial;
- B. Non-economic compensatory damages in an amount to be determined at trial;
- C. Liquidated, treble, punitive, or other exemplary damages in an amount to be determined at trial;
- D. Reinstatement or, in the alternative, front pay in an amount to be determined;
- E. Reasonable attorneys' fees incurred in pursuing the claims against Defendants;
- F. All costs and expenses incurred in pursuing the claims against Defendants;
- G. Pre- and post-judgment interest; and
- H. All other legal and equitable relief this Court and/or a jury determines is appropriate.

VII. JURY DEMAND

Pursuant to Civ.R. 38, Plaintiff demands a trial by jury on all claims and issues that are triable.

Respectfully submitted,

By: /s/ Kevin R. Kelleher

Jason E. Starling (Ohio Bar No. 0082619)

Kevin R. Kelleher (Ohio Bar No. 0099167)

WILLIS SPANGLER STARLING
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Attorneys for Plaintiff Anthony Snyder

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KATHY L. SHUPERT, CLERK

COMMON PLEAS COURT

SCIOTO COUNTY OHIO

21CIH00177

IN THE COURT OF COMMON PLEAS OF
SCIOTO COUNTY, OHIO

CIVIL CLASSIFICATION FORM

CASE NO: _____ STYLE: _____

- ❖ _____ A PROFESSIONAL TORT
- ❖ _____ B PRODUCT LIABILITY
- ❖ _____ C OTHER TORTS
- ❖ _____ D WORKERS' COMPENSATION
- ❖ _____ E FORECLOSURE
- ❖ _____ F ADMINISTRATIVE APPEAL
- ❖ _____ G COMPLEX LITIGATION
- ❖ X H OTHER CIVIL

DATE: September 1, 2021

ATTORNEY: Kevin R. Kelleher

ADDRESS: 4635 Trueman Boulevard, Suite 100
Hilliard, OH 43026

TELEPHONE: (614) 586-7900

THE COURT OF COMMON PLEAS, SCIOTO COUNTY, OHIO**GENERAL DIVISION****SUMMONS ON COMPLAINT**

**ANTHONY SNYDER
2776 DUTCH RIDGE ROAD
PORTSMOUTH, OH 45662**

21CIH00177**vs.**

**FLUOR CONSTRUCTORS INTERNATIONAL, INC.
C/O STATUTORY SERVICE COMPANY
50 WEST BROAD STREET, SUITE 1330
COLUMBUS OH 43215**

**TO THE WITHIN NAMED DEFENDANT, FLUOR CONSTRUCTORS INTERNATIONAL,
INC.**

**YOU ARE HEREBY SUMMONED THAT A COMPLAINT (A COPY OF WHICH IS ATTACHED
AND MADE A PART HEREOF) HAS BEEN FILED AGAINST YOU IN THIS COURT BY THE
PARTY NAMED HEREIN.**

**YOU ARE REQUIRED TO SERVE UPON THE PLAINTIFF'S ATTORNEY A COPY OF YOUR
ANSWER TO THE COMPLAINT WITHIN 28 DAYS AFTER SERVICE OF THIS SUMMONS UPON
YOU, EXCLUSIVE OF THE DAY OF SERVICE ON PLAINTIFF'S ATTORNEY. SAID ANSWER
MUST BE FILED WITH THIS COURT WITHIN 3 DAYS AFTER SERVICE ON PLAINTIFF'S
ATTORNEY.**

THE NAME AND ADDRESS OF THE PLAINTIFF'S ATTORNEY IS AS FOLLOWS:

**JASON ERIC STARLING
WILLIS SPANGLER STARLING
4635 TRUEMAN BLVD, SUITE 100
HILLIARD, OH, 43026**

**IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST
YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

**KATHY L. SHUPERT
CLERK OF COURTS**

9/2/2021

**BY: _____
Deputy Clerk**

(RULE 4 1970 OHIO RULES OF CIVIL PROCEDURE)

Certified Article Number

9414 7266 9904 2186 0186 76

SENDER'S RECORD

THE COURT OF COMMON PLEAS, SCIOTO COUNTY, OHIO**GENERAL DIVISION****SUMMONS ON COMPLAINT**

**ANTHONY SNYDER
2776 DUTCH RIDGE ROAD
PORTSMOUTH, OH 45662**

21CIH00177**vs.**

**RANDY HORSTLEY
2446 GALLIA PIKE
FRANKLIN FURNACE OH 45629**

TO THE WITHIN NAMED DEFENDANT, RANDY HORSTLEY

YOU ARE HEREBY SUMMONED THAT A COMPLAINT (A COPY OF WHICH IS ATTACHED AND MADE A PART HEREOF) HAS BEEN FILED AGAINST YOU IN THIS COURT BY THE PARTY NAMED HEREIN.

YOU ARE REQUIRED TO SERVE UPON THE PLAINTIFF'S ATTORNEY A COPY OF YOUR ANSWER TO THE COMPLAINT WITHIN 28 DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU, EXCLUSIVE OF THE DAY OF SERVICE ON PLAINTIFF'S ATTORNEY. SAID ANSWER MUST BE FILED WITH THIS COURT WITHIN 3 DAYS AFTER SERVICE ON PLAINTIFF'S ATTORNEY.

THE NAME AND ADDRESS OF THE PLAINTIFF'S ATTORNEY IS AS FOLLOWS:

**JASON ERIC STARLING
WILLIS SPANGLER STARLING
4635 TRUEMAN BLVD, SUITE 100
HILLIARD, OH, 43026**

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

**KATHY L. SHUPERT
CLERK OF COURTS**

9/2/2021

**BY: _____
Deputy Clerk**

(RULE 4 1970 OHIO RULES OF CIVIL PROCEDURE)

Certified Article Number

7414 7266 9904 2186 0186 69

SENDER'S RECORD

Return Receipt (Form 3811) Barcode



9590 9266 9904 2186 0186 79

1. Article Addressed to:

FLUOR CONSTRUCTORS
INTERNATIONAL, INC.
C/O STATUTORY SERVICE COMPANY
50 WEST BROAD STREET, SUITE 1330
COLUMBUS, OH 43215

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2186 0186 76

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

SEP 08 2021

By

Steven J. Hatcher

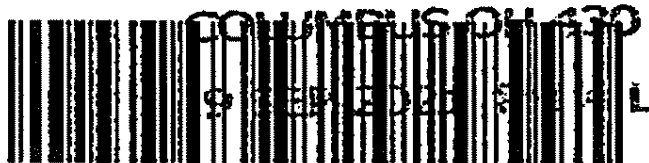
Agent

3. Service Type:

☒ Certified MailReference Information

ANTHONY SNYDER -VS-
FLUOR CONSTRUCTORS INTERNATIONAL,
21CIH00177

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

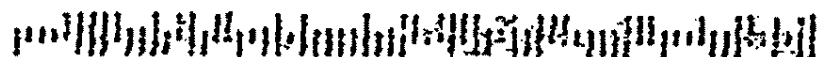
9590 9266 9904 2186 0186 79

United States
Postal Service®

• Sender: Please print your name, address and ZIP+4® below •



KATHY SHUPERT
SCIOTO COUNTY CLERK OF COURTS
602 7TH ST RM 205
PORTSMOUTH OH 45662-3948



8/9

02:44:31 p.m. 09-29-2021

SCIOTO CLERK OF COURTS

CLERK OF COURTS
SCIOTO COUNTY, OHIO

FILED

9/27/21
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BY

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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
REGISTERED MAIL



9414 7266 9904 2186 0186 69

N.C.

(Summons & Complaint)

\$ 007.53

RANDY HORSTLEY
2446 GALLIA PIKE
FRANKLIN FURNACE

21CIH00177

7403542057

RANDY HORSTLEY
2446 GALLIA PIKE
FRANKLIN FURNACE, OH 45629

21CH100177

Thank you for using Return Receipt Service

21CIH00177 SNYDER, ANTHONY -VS- FLUOR CONSTRUCTORS INTERNATIONAL, INC.

Case Type:

OTHER CIVIL

File Date

09/01/2021

DCM Track:

Action:

OTHER CIVIL

Case Judge:

KUHN, MARK E

Next Event:

- All Information

Party

Docket

Disposition

Party Information

SNYDER, ANTHONY

- PLAINTIFF

DOB

Disposition

Disp Date

Address

2776 DUTCH RIDGE ROAD
PORTSMOUTH, OH 45662

Alias

Party Attorney

Attorney

KELLEHER, KEVIN R

Address

WILLIS SPANGLER STARLING
4635 TRUEMAN BLVD, SUITE 200
HILLIARD, OH 43026

Phone

(614)586-7915

Attorney

STARLING, JASON ERIC

Address

WILLIS SPANGLER STARLING
4635 TRUEMAN BLVD, SUITE 200
HILLIARD, OH 43026

Phone

(614)586-7915

More Party Information

FLUOR CONSTRUCTORS INTERNATIONAL, INC.

- DEFENDANT

DOB

Disposition

Disp Date

Address

C/O STATUTORY SERVICECOMPANY
50 WEST BROAD STREET, SUITE 1330
COLUMBUS, OH 43215

Alias

Party Attorney

More Party Information

HORSTLEY, RANDY

- DEFENDANT

DOB

Disposition

Disp Date

Address

2446 GALLIA PIKE
FRANKLIN FURNACE, OH 45629

Alias

Party Attorney

More Party Information

https://sciotocountycpcourt.org/eservices/searchresults.page?x=k6czjUpNRuoWARF57J9hDv8rD4JJXF*eLXbRX8qrBw7nRn3DAjcQgsmjop0IFgb3nK... 1/2

Docket Information

<u>Date</u>	<u>Docket Text</u>
09/01/2021	COMPLAINT WITH JURY DEMAND FILED **REFILED CASE NO 20CIH139 09/01/2021 04:10 PM Attorney: KELLEHER, KEVIN R
09/01/2021	CIVIL CLASSIFICATION FORM 09/01/2021 04:10 PM Attorney: KELLEHER, KEVIN R
09/02/2021	CIVIL DEPOSIT Receipt: 93828 Date: 09/02/2021
09/02/2021	CIVIL FILING FEES Receipt: 93828 Date: 09/02/2021
09/02/2021	SUMMONS ISSUED WITH CERT COPY OF COMPLAINT VIA CERT MAIL TO DEFTS
09/13/2021	RETURN RECEIPT FILED. SERVED FLUOR CONSTRUCTORS INTERNATIONAL INC %STATUTORY SERVICE COMPANY 50 WEST BROAD ST SUITE 1330 COLUMBUS OH 43215 **S/RECEIVED CORPORATION SERVICE COMPANY BY STEVEN J HATCHER AGENT (STAMPED) D/9-8-2021 (STAMPED)
09/27/2021	ENVELOPE RETURNED. ADDRESSED TO: **RANDY HORSTLEY, 2446 GALLIA PIKE, FRANKLIN FURNACE, OH 45629 (SUMMONS & COMPLAINT) *****"INSUFFICIENT ADDRESS"***** NOTIFED ATTY KEVIN R KELLEHER

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Undisposed		KUHN, MARK E